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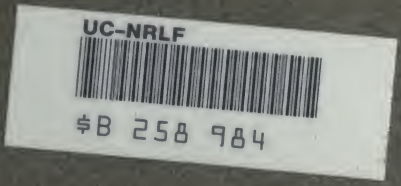

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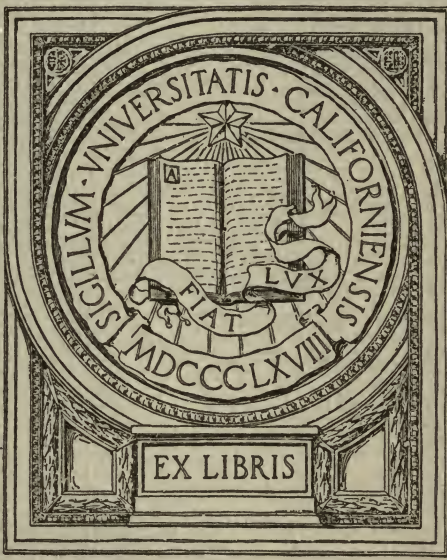

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Charter of the City of Richmond

UNIVERSITY OF CALIFORNIA

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CHARTER

OF THE

CITY OF RICHMOND

ASSEMBLY CONCURRENT RESOLUTION No. 11

Adopted in Assembly, February 11, 1909
Adopted in Senate, February 25, 1909

CHAPTER XVIII

Assembly concurrent resolution No. 11, approving the charter of the City of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Whereas, The City of Richmond, a municipal corporation of the County of Contra Costa, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants, and

Whereas, At a special election duly held in said city on the 12th day of October, 1908, under and in accordance with law and the provisions of section 8 of article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof to prepare and propose a charter for the government of said city; and

Whereas, Said board of freeholders did, within ninety (90) days after said election, prepare

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and propose a charter for the government of said City of Richmond; and

Whereas, Said charter was on the 23rd day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said City of Richmond, and the other copy with the county recorder of the said County of Contra Costa and filed in the office of the said county recorder; and

Whereas, Said proposed charter was thereafter published in the "Richmond Record," being a daily newspaper of general circulation, printed and published in said City of Richmond, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

Whereas. Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the City of Richmond to the qualified electors of said City of Richmond at a special election, previously duly called and therein held on the 9th day of February, 1909; and

Whereas. At said last mentioned special election a majority of said qualified electors of said City of Richmond, voting at said special election, voted in favor of and duly ratified said charter as proposed as a whole; and

Whereas. Said board of trustees, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

Whereas, The same is now submitted to the legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of section 8 of article XI of the Constitution of the State of California; and

Whereas, Said charter so ratified is in the words and figures following, to-wit:

Charter of the City of Richmond

Prepared and proposed by the board of freeholders, elected October 12th, 1908, in pursuance of the provisions of Section 8, Article XI of the Constitution of the State of California.

Contents

Article 1—Boundaries.
Article 2—Powers.
Article 3—The Council.
Article 4—Duties of Officers.
Article 5—Elections.
Article 6—School Department.
Article 7—Police Court.
Article 8—The Recall, Initiative and Referendum.
Article 9—Miscellaneous.
Article 10—Charter to take effect, certificate.

ARTICLE I

Boundaries of the City

Section 1. The municipal corporation now existing and organized under the general laws of the State of California as a municipal corporation of the sixth class, and known as the City of Richmond, shall continue to be a body corporate and politic under the name of the City of Richmond, and shall be a continuation of said City of Richmond, and continue to hold and enjoy all of the rights, privileges and property now vested in said city, and all ordinances of said city not in conflict with this charter shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and incompleted shall be continued in accordance with the law under which such proceedings were commenced.

Sec. 2. The territory of the City of Richmond shall be all that which is embraced within the following boundaries, to-wit:

Beginning at the point where the westerly boundary of said Contra Costa County intersects the line between Townships One (1) and Two (2) North, Mount Diablo Base; and thence running east to the southeast corner of Lot Twenty-eight (28) of Section Thirty-five (35) of Township Two (2) North, Range Five (5) West, M. D. B. & M.; thence south parallel with the west line of Section Two (2) of Township One (1) North of Range Five (5) West, M. D. B. & M. to a point due west of the southwest corner of Lot Eighty-five (85) of the San Pablo Rancho as shown on the map accompanying the Final Decree of Partition of said Rancho; thence east to a point One Hundred and Seventy (170) feet east of the center line of Road Fourteen (14) as shown on said map; thence south to the southerly boundary of said Contra Costa County; thence following the boundary line of said Contra Costa County westerly and northerly to the place of beginning.

Sec. 3. The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE II

Powers

Section 1. The City of Richmond shall have and exercise the following powers:

1. To have perpetual succession.

2. To have and use a corporate seal and alter it at pleasure.

3. To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.

4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, proper for municipal purposes, and

to control and dispose of the same for the public benefit.

5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to do acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.

8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness for any purpose authorized by the electors voting on the proposition to incur such indebtedness; to invest the proceeds arising from the sale of bonds in street improvement bonds issued under any act of the legislature.

9. To construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat and power, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.

10. To control the bays, inlets and channels flowing through the city or adjoining the same, to widen, straighten and deepen the same where such work is necessary for the purposes of sanitation, drainage or removal of sewage; to fill the same when they are obstructions to proposed streets or roads; to control and improve the water front of the city and to maintain embankments and other works necessary to protect the city from overflow; to construct and maintain wharves, chutes, piers and breakwaters within the limits of the city.

11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, re-pave or otherwise improve all public

streets and highways and public places, construct sewers, drains, bridges, conduits, culverts and subways thereon or thereunder, to plant trees, construct parking, and to remove weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

12. To construct and maintain all works necessary for the disposition of the sewage, garbage and waste within the city, and to define and abate nuisances.

13. To establish and maintain hospitals, indigent homes and all other charitable institutions.

14. To acquire and maintain parks, playgrounds and places for recreation.

15. To acquire and maintain markets, baths and public halls.

16. To establish and maintain schools, libraries, museums, gymnasiums, and to do all things to promote the education of the people.

17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

18. To acquire, construct and maintain all buildings necessary for the transaction of public business.

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.

20. To grant franchises to use the streets or public property, and impose conditions in connection therewith.

21. To exercise any power conferred upon municipalities by the constitution and laws of the state to fix and establish rates to be charged by any corporation for any public service and to regulate the quality of such service.

22. To exercise such other powers as may be hereafter granted by the legislature to municipalities within the state.

23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

24. Lastly, this grant of power is to be lib-

erally construed for the purposes of securing the well being of the municipality and its inhabitants.

ARTICLE III

The Council

Section 1. All powers herein granted to and vested in the City of Richmond, shall, except as herein otherwise provided, be exercised by a council to be designated the Council of the City of Richmond; and said Council shall, except as herein otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised.

Sec. 2. Said Council shall be composed of nine members, each of whom shall have been an elector of the City of Richmond for at least one year next preceding his election.

The members of said Council shall be known as councilmen, and their terms of office shall be six years commencing on the first day of July next succeeding their election, except that the terms of those first elected to serve as councilmen shall be as herein provided.

Sec. 3. On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing nine members of said Council.

The nine members elected at such election shall, at the first regular meeting in July, 1909, so classify themselves by lot that three of said members shall hold office for the term of two years, three for the term of four years, and three for term of six years.

Thereafter, on the second Monday in May, of each odd-numbered year, an election shall be held at which the three councilmen shall be elected to succeed the three members whose terms expire on the first day of July next following; also to elect a member for any unexpired term that may exist.

The electors, in form and manner prescribed in section two of article VIII, may by ordinance provide for the division of the city into districts or wards and require that one councilman to be elected at each election shall be a

resident of each ward at the time of his election; provided that all councilmen shall be voted for at large.

Sec. 4. The councilmen shall each receive the sum of five dollars for each day while sitting as a Board of Equalization; but no other compensation shall be paid unless the electors, by ordinance proposed and adopted in accordance with section two of article VIII, shall otherwise provide.

Sec. 5. Said Council shall fix the time and place for its regular meetings and adopt rules to govern its proceedings.

Sec. 6. Five members of the Council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

Sec. 7. No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the city in excess of three hundred dollars without the affirmative vote of at least five members of the Council.

Sec. 8. Said Council shall elect one of its number as its presiding officer, who shall be known as Mayor, to serve for one year after his election. In the absence or disability of the Mayor, a Mayor pro-tem shall be elected.

The said Mayor shall preside at all meetings of the Council, shall be the Chief Executive of said city, and as such shall sign all contracts on behalf of the city, and perform such other duties as may from time to time be assigned to him by the Council. In all other respects he shall perform the same duties as any other member of the Council.

Sec. 9. The Council shall appoint or provide for the appointment of a Clerk, Treasurer, Auditor, Tax Collector, Assessor, Attorney, Engineer, Chief of Police, and except as otherwise provided, such other officers, boards or commissions, as may be necessary for the transaction of the affairs of the municipality. It shall also appoint a Commissioner of Health and City Phy-

sician, each of whom shall be a physician licensed to practice medicine.

Sec. 10. A vacancy in the Council shall be filled by a majority of the remaining members. Such appointees shall hold office until the first day of July succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term.

Sec. 11. The Council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a Board of Equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy for all municipal purposes except the payment of interest and principal on any bonded debt and in support of the public schools, shall not exceed the sum of sixty cents upon each $100.00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the Council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the Council to levy such additional rate, then the Council may levy the additional tax so authorized.

ARTICLE IV

Duties of Officers

Section 1. Clerk.—It shall be the duty of the Clerk to keep a true record of the proceedings of the Council and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

Sec. 2. Auditor.—It shall be the duty of the Auditor to act as bookkeeper and accountant of the municipality and shall record all financial transactions in books kept for that purpose. He shall draw warrants upon the City Treasurer for all claims against the city which have been allowed by the Council. He shall render each month a statement to the Council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

Sec. 3. Tax Collector.—It shall be the duty of the Tax Collector to receive and collect all moneys due the city for taxes and licenses and from other sources, and shall pay all moneys received into the treasury of the city, within twenty-four hours after the receipt thereof.

Sec. 4. Treasurer.—The Treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the auditor for claims which have been previously allowed by the Council or Board of Education, provided that the approval of the Council shall not be necessary to pay the monthly salaries of employees. The Treasurer may deposit all or such portion of the public moneys as may be determined by the Council, in any bank authorized by law to receive deposits of public money, in accordance with the provisions of the Constitution and Act of the Legislature entitled: "An Act to Provide for and Regulate the Deposit of County and Municipal Moneys in Banks and Banking Corporations, Limiting the Amount of Public Moneys that may be Deposited therein and Providing a Penalty for the Illegal Deposit and Use thereof." (Approved March 23, 1907.) And the provisions of such act are hereby made applicable to the government of the City of Richmond.

Sec. 5. Assessor.—It shall be the duty of the Assessor to make annually, a complete assessment of all property liable for taxation within the city between the first Monday of March and the first Monday of July next succeeding, and shall upon said last named date turn over to

the City Council the assessment roll so prepared by him. He shall act as Tax Collector for the purpose of collecting taxes upon personal property when the same are unsecured by lien upon real estate.

Sec. 6. Attorney.—The Attorney shall act as the legal adviser of the Council and any officer of the city who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the Council. He shall prosecute all violators of the city ordinances and shall represent the city in all actions.

Sec. 7. Engineer.—The City Engineer shall advise the Council upon all matters of an engineering nature. He shall also be ex-officio Superintendent of Streets.

Sec. 8. Chief of Police.—The Chief of Police shall be the head of the police department and shall perform such duties as the Council may impose.

Sec. 9. Commissioner of Health.—The Commissioner of Health shall have and exercise a general supervision over the sanitary condition of the city and shall issue all orders and directions for the enforcement of all sanitary laws and regulations; he shall enforce all laws of the state and ordinances of the city, and all rules and regulations of the Department of Health in relation to the sanitary matters; to make or cause to be made frequent analyses and examinations of milk and cream, meat, water and food stuffs and keep a record of the same and cause all nuisances to be abated with reasonable promptness, and in the performance of his duties shall be permitted at all times to enter any house, store, stable or building, may cause floors to be raised if necessary, and make thorough examination of cellars, vaults, sinks and drains; he shall impose such restrictions upon and exercise supervision of all persons exposed to, afflicted or sick with small-pox, scarlet fever or any contagious or epidemic disease as shall be necessary to protect from such disease all persons not of necessity connected with any person so exposed, afflicted or sick; he shall have power to cause any house or premises to be cleaned, disinfected or closed to visitors and

prohibit persons from resorting thereto while such house is under quarantine; he may, by an order in writing, direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth to be removed from any house or premises and to take any other measures he may deem necessary to prevent the spread of any disease; with the approval of the Council he shall have power to make such rules and regulations for the prevention and suppression of disease he may deem necessary; he shall appoint such inspectors and other employees as may be necessary, subject to the approval of the Council, and shall fix their duties; he shall have the power to remove or discharge any person so appointed.

The Commissioner of Health and such deputies, inspectors and employees as may be designated by him shall have the powers of a police officer and may arrest, or cause to be arrested, any person violating any sanitary law.

The Commissioner of Health shall annually on the first day of July, send to the Council a statement of the amount of work performed by his department during the preceding year, together with such other information and suggestions as he may deem proper to submit; he shall publish from time to time such statistics and information relating to the health of the community or methods of preventing or curing disease as he shall deem proper to publish; he shall also transmit to the Council prior to the fixing of the tax levy an estimate in detail of the cost of providing for and maintaining his department during the current fiscal year.

Sec. 10. City Physician.—The City Physician shall properly care for the indigent poor not otherwise provided with medical attendance; when directed by the Chief of Police or any police officer having charge thereof, he shall visit any police station and examine and make provision for the care of all persons there found to be sick, injured or insane, and report the result of such examination to the person directing such examination; he may at any time, and when required so to do by the Board of Education, make physical examination of the

pupils of the public schools and make report of such examination. He shall transmit to the Council on the first day of each month a detailed report of the duties performed by him during the preceding month, and for the purpose of making such report shall keep a record of all duties performed; he shall annually prior to the fixing of the annual tax levy send to the Council a statement of the expenses of his office for the past year, together with an estimate in detail of the appropriations required for the maintenance of his office during the current fiscal year.

Sec. 11. The Council may require any or all of the above officers to give official bonds in such sums as it may deem proper, and the city shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of all officers and such deputies and assistants. All of the above officers shall perform such other services as the Council may require and serve during its pleasure.

Sec. 12. Any officer having charge of any department of the city government shall, subject to the approval of the Council, appoint his subordinate officers or employees at such compensation as shall be determined by the Council.

Sec. 13. The term of all officers appointed by the Council shall be at the pleasure of the appointing power, but shall not exceed two years ending on June 30th, 1910, and each even numbered year thereafter. All officers shall serve until their successors are appointed and qualified.

Sec. 14. Whenever the public interest may require, the Council may consolidate any of the offices provided for in this article.

ARTICLE V

Elections

Section 1. All elections for Councilmen shall be held in accordance with the general laws of the state governing elections within municipalities unless otherwise provided by this charter

or by ordinance of the Council; and elections for members of the Board of Education shall be held in accordance with the general laws of the state governing the election of trustees of school districts, unless otherwise provided by this charter or by an order of the Board of Education.

Sec. 2. Nominations for Councilmen and members of the Board of Education shall be made as herein provided.

Sec. 3. A petition shall be filed in the office of the Clerk for the nomination of Councilmen, or with the Clerk of the Board of Education for the nomination of members of said Board, at least twenty-five days prior to the day fixed for the election of the same, asking that the person named therein be a candidate for the office of ———— (naming it) and giving the residence of said person within the City of Richmond. Such petition shall be signed by qualified and registered voters equal in number to at least three per centum of the votes cast at the preceding election for officers for which the nomination is asked. The requirements as to signatures (other than the number thereof), the verification of the petition and certification thereof provided in Section 1 of Article VIII for petitions for recall, shall apply to petitions for nominations for public office.

Sec. 4. If petitions asking for nominations to the number of more than twice the number of officers to be elected at such elections are filed, then a primary elections shall be held two weeks prior to the day fixed in the charter, or date of special election if such elections is called, for the election of such officers. If less than such number of petitions are filed then no such primary election need be held, but the persons named in such petitions shall be deemed candidates for the office named, at the election to be held for the election of such petitions shall be deemed candidates for the office named at the eleceiton to be held for the election of such officers and the names of such candidates shall be printed on the official ballot to be used at such election or indicated on ballot machines, if such machines shall be used.

Sec. 5. If a primary election is held, it shall be the duty of the Council, in case of the nomination of Councilmen, and of the Board of Education, in case of the nomination of members of said Board, to provide for the holding of same, shall designate the precincts, polling places, appoint officers of election (which need not be more than one inspector, one judge and one clerk) but such precincts, polling places and officers shall conform as nearly as possible to those designated and selected for and at the election of officers thereafter to follow. In case the Council or Board of Education fail to make the necessary provision for such primary election, then the Clerk or the Clerk of the Board of Education shall perform such duties. The proper Clerk shall give notice of such primary election and shall state therein the names of the candidates whose petitions shall have been filed and such notice shall be published in the official newspaper of the city for five days prior to the day of such election. He shall also cause ballots to be printed, stating the office to be filled and the candidates therefor whose petitions have been filed, printing the name of such candidates upon said ballot in the order in which such petitions shall have been filed. Said ballot shall contain a direction as to the number of candidates which one voter may vote for, which shall be the same number as is to be elected to the office at the regular election to follow; also instructions required to be printed on ballots by the general laws, so far as such instructions may be applicable. All ballots cast or marked contrary to such instructions shall be void. The polls shall open during the same hours as required for the regular election thereafter to follow and in all respects the election shall be held and conducted, and the votes cast thereat shall be counted and returns thereof made as may be required for the election at which ar to be elected the officers for th nomination of which the primary election is held.

Sec. 6. The returns of such primary election shall be filed with the City Clerk, or the Clerk of the Board of Education, as the case may be,

and within forty-eight hours thereafter the said Clerk shall open and canvass such return and declare the result of such election. The candidates to the number of twice the number of officers to be elected at the regular election thereafter to follow, receiving the highest number of votes at such primary election shall be declared to be the candidates to be voted for at the said following regular election. Their names shall be printed on the official ballot to be used at such election in the order of the number of votes received by each such candidate, the name of the candidate receiving the highest number of votes to be placed at the head of the list. In case the highest number of votes cast cannot be determined by reason of a tie between one or more candidates, then the names of all such candidates whose votes are tied shall be placed on the official ballot. The names of all candidates to be voted for thus selected at the primary election shall be published for one week prior to the regular election in the official paper of said city.

ARTICLE VI

School Department

Section 1. The School Department of the City of Richmond shall be under the management and control of a Board of Education. Such Board shall be composed of three members who shall have been citizens of the United States and residents of the City of Richmond for at least one year immediately preceding their election, and their terms of office shall be six years from and after the first day of July next succeeding their election, except as herein othewise provided. Elections for members of the Board of Education shall be held on the first Saturday in May of each even numbered year. At the election to be held in May, 1910, one member shall be elected to serve for the term of four years and one member for the term of six years. The member of the Board of Trustees of Richmond School District elected at the school election in April, 1909, shall be a member of the Board of Education

until July 1, 1912, and his successor shall be elected at the election held on the first Saturday in May, 1912. At the election herein provided for, members of the Board of Education shall be elected for any unexpired term that may exist. The members of the Board shall receive no compensation.

Sec. 2. Until the election and qualification of the members of the Board of Education as herein provided for the present Trustees of the Richmond School District shall be and constitute the Board of Education of the City of Richmond, and shall exercise the powers hereby conferred thereon.

Sec. 3. Said Board of Education shall have and exercise all the powers conferred upon Boards of Trustees and Boards of Education by the laws of the State of California, and in addition thereto shall have power:

1. To choose one of its members as President of the Board, fix a time and place for holding regular meetings, which shall be public, provide for holding special meetings, adopt rules for governing its own proceedings, and adopt an official seal.

2. To appoint a Superintendent of Schools to serve during its pleasure and fix his compensation.

3. To provide for the establishment of kindergartens, manual training schools, night schools, technical schools, and to prescribe the studies to be taught therein.

4. To construct school buildings when necessary, and no special election need be held to authorize such construction.

5. To provide free text books when authorized so to do by the electors voting on such proposition.

6. To prescribe the requirements for graduation from the public schools and issue certificates of graduation.

7. To provide the manner in which all elections shall be held and conducted for the election of members of said Board and such special elections as may be authorized by law, except as in this charter otherwise provided.

8. To receive bequests, devises and dona-

tions of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequest, devise or donation.

9. To fill any vacancy in the membership of the Board by appointment, the person appointed to nold office until the first day of July following the next election held for the election of members of such Board.

10. It shall elect and fix the salaries of all teachers, but such election shall be made only from a list of candidates nominated and recommended by the Superintendent of Schools, but the Board may make rules in accordance with which such nominations and recommendations shall be made. It shall fix a time when such election of teachers shall be had. For the first two years of their service in the school department of the city, principals and teachers shall be subject to annual election; after a service of two years they may be elected for a term of three years.

Sec. 4. The Superintendent of Schools shall be the executive officer of the Board of Education and subject only to the orders thereof, and all principals, teachers and other employees shall be under the control and direction of the Superintendent. He must examine and, in conjunction with the Board, approve all plans for the construction or re-construction of school buildings. He shall have supervision of the course of instruction and the discipline and conduct of the schools and recommend all text books prior to their adoption by the Board. He shall act as Clerk of the Board of Education. He shall assign all teachers and principals, and make such transfers as may be necessary to the successful operation of the schools.

Sec. 5. The Board of Education shall annually determine the amount of money to be raised by taxation within the territory subject to taxation for school purposes for the maintenance of the public schools, in addition to the amount of money received from the State and County; and the Board shall, prior to

the time of fixing the rate of taxation by the Council, submit in writing to the Council a careful estimate of all money required by taxation in addition to the amount estimated to be received from said State and County. The Council of the City of Richmond shall, and it is hereby authorized and directed, in each year when fixing the annual tax rate to levy and assess as a school tax for the maintenance of the public schools such amount as the Board of Education shall report necessary for the purpose. Whenever high schools are maintained by the School Department of the City, a like estimate shall be made for their support and a tax levied and assessed sufficient to meet such estimate.

Sec. 6. Whenever the high school now established within the boundaries of the City shall, by law, pass under the jurisdiction of the Board of Education of the City of Richmond, the provisions of this article shall apply to its management.

Sec. 7. All moneys raised by taxation within the City for the support of the public schools shall be kept in a separate fund from all other funds, and shall be used exclusively for the purpose for which the tax is levied. All demands payable out of such fund shall be allowed by the Board of Education and certified to the City Auditor, who shall draw a warrant therefor upon such school fund.

ARTICLE VII

Police Court

Section 1. There is hereby created in and for the City of Richmond a Court which shall be known as the Police Court of the City of Richmond. Said Court shall consist of one Judge, who shall be appointed by the Council and who shall serve during its pleasure and who shall receive such compensation as the Council shall determine.

Sec. 2. Said Court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

Sec. 3. Within the city limits said Court shall have concurrent and co-ordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the Judge of said Police Court shall have as aforesaid like authority power and jurisdiction as the justices of said justices' court.

Sec. 4. Appeals may be taken to the Superior Court of the State of California, in and for the County of Contra Costa, from the judgments and orders of said Police Court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said Superior Court from said justices' courts and police courts.

Sec. 5. In all proceedings in and appeals from said Police Court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justices' or police courts, are hereby adopted and made applicable to said Police Court.

Sec. 6. All fines and other moneys received or collected by the Judge of said Police Court for or on account of the City of Richmond, shall be paid into the city treasury on the first Monday in each month.

Sec. 7. All actions and proceedings pending and undetermined in the existing Recorder's Court of the City of Richmond shall be proceeded with, heard, tried and determined in said Police Court hereby provided for and before said Judge, the same as if said actions or proceedings had been originally commenced in said Police Court.

Sec. 8. Nothing in this charter shall be so construed as to prevent a Justice of the Peace from holding the office of Police Judge.

ARTICLE VIII

The Recall Initiative and Referendum

Section 1. The holder of any elective office may be removed by the electors qualified to vote for the successor of the officer sought to be removed. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, and said petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature his place of residence, giving the street and number.

Within ten days from the date of filing such petition the clerk shall examine and ascertain from the records of registration whether or

not said petition is signed by the requisite number of electors entitled to vote, and if necessary the Council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the Council without delay, and the Council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the Council that a sufficient petition is filed.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; provided, that if there be any conflict of provisions, this charter shall control.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election the office shall be

deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. In case more than one Councilman is sought to be removed, whose term shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices of the councilmen to be elected for such different terms shall be deemed separate and distinct offices to be filled at such election.

Sec. 2. Any proposed ordinance may be submitted to the Council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications, and duties of the clerk in respect thereto, provided in section 1 of this article for petitions for recall shall apply to petitions of initiative.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent of the entire vote cast at the last preceding general municipal election, the Council must either pass such ordinance without alteration or submit the same to the electorate at the next regular municipal election that shall occur at any time after sixty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty-five per cent of said votes and contains a request that such ordinance be submitted to a vote of the people at a special election, then the Council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof such ordinance shall thereupon become a valid and binding ordinance of the city. The

Council may at such election submit any amendment thereto that it may deem proper and the ballots used at such election shall contain the words: "For the amendment," or "Against the amendment" of ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The Council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this article cannot be repealed or amended, except by a vote of the people obtained in the manner hereinbfore stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this sections; provided, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

Sec. 3. Any ordinance or resolution other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or statutory law and excepting such ordinance as may be declared by the Council to be necessary as an emergency measures for the immediate preservation of the public peace health or safety shall be subject to a referendum as herein provided; provided further that the petition for such referendum be filed within thirty days from the final passage of such ordinance or resolution.

Whenever a petition shall be presented to the Council asking that a particular ordinance named therein be submitted to a vote of the electors. and signed as required for an initiative petition in section 2 of this article. it shall be the duty of the Council to submit the ques-

tion of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors, the provisions of such ordinance or resolution shall be suspended and inoperative.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in section 2.

ARTICLE IX

Miscellaneous

Section 1. The ordaining clause of all ordinances adopted by the Council shall be: "The Council of the City of Richmond do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Article VIII shall be: "The People of the City of Richmond do ordain as follows."

Sec. 2. The electors may in form and manner prescribed in section 2 of Article VIII, provide the manner in which any municipal power may be exercised and restrict the power of the Council in respect thereto.

Sec. 3. No officer of the city shall be interested in any contract entered into by the city, and the general laws of the State forbidding city officials to be so interested are hereby made a part of this charter.

Sec. 4. No member of the Council shall hold any other municipal office, or hold any other office or employment, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Sec. 5. No person, firm or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct authority of the Constitution of the State of California, or of the Constitution or laws of

the United States, in, upon, over, under or along any street, highway or public place in the city unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter.

Sec. 6. The Council shall publish annually a financial report of the city and furnish a copy thereof to each tax-payer whose address is known.

Sec. 7. Liens for taxes levied and to be levied shall attach to the property charged therewith on the first Monday in March at 12 o'clock M.

Sec. 8. No bonded indebtedness shall be incurred unless the same shall be first authorized by a vote of two-thirds of the electors voting at an election held for the purpose of voting on the proposition to incur such indebtedness; and no indebtedness incurred for the purpose of improving the water front shall at any time exceed six per cent of the assessed value of the property within the city.

ARTICLE X

This charter shall take effect at noon on July 1, 1909; provided that all provisions relative to elections and the nomination of candidates for public office shall be operative upon the approval of this charter by the Legislature, and the Board of Trustees of the City of Richmond is hereby directed to provide for all elections to be held prior to the first day of July, 1909, and to issue certificates of election to the persons elected to the office of Councilman.

All of the officials of the City of Richmond in office at the time this charter takes effect shall continue to perform the duties now required of them until their successors are appointed and qualified as in this charter provided.

CERTIFICATE

WHEREAS, The City of Richmond, a city containing a population of more than three October, 1908, at a special election held under

thousand five hundred and less than ten thousand inhabitants on the twelfth day of and in accordance with the provisions of section 8 of article XI of the Constitution of the State of California, did elect F. E. Adams, C. L. Abbott, C. R. Blake, L. Boswell, L. D. Dimm, E. A. Gowe, E. J. Garrard, G. A. Follett, L. S. Higgins, I. E. Marshall, I. M. Perrin, E. M. Tilden, H. H. Turley, H. E. Wyatt and John Roth a Board of Freeholders to prepare and propose a charter for said city;

BE IT KNOWN, That pursuant to the provisions of the Constitution and within a period of ninety days after said election, said Board of Freeholders has prepared and does propose the foregoing as and for the charter of the City of Richmond.

IN WITNESS WHEREOF, We have hereunto set our hands this 23rd day of December, 1908.

H. E. WYATT,
President of the Board of Freeholders;

C. L. ABBOTT,
F. E. ADAMS,
L. BOSWELL,
L. D. DIMM,
G. A. FOLLETT,
E. J. GARRARD,
E. A. GOWE,
I. E. MARSHALL,
JOHN ROTH,
H. H. TURLEY,
E. M. TILDEN,
CHAS. R. BLAKE, M. D.,
L. S. HIGGINS.

Attest:

J. S. CHANDLER,
Secretary Board of Freeholders.

Filed this 28th day of December, 1908, at 12:30 p. m.

J. B. WILLIS,
President of the Board of Trustees of the City of Richmond, California.

STATE OF CALIFORNIA,
County of Contra Costa,
City of Richmond. } ss.

I, H. H. Turley, City Clerk in and for the City of Richmond, hereby certify that the Board of Trustees of said City, did by Resolution No. 158, order the foregoing charter published in the manner and form required by law.

In witness whereof I have hereunto set my hand and affixed the corporate seal of the City of Richmond, this 29th day of December, 1908.

(Seal) H. H. TURLEY,
City Clerk.

MEMORANDUM

The first publication of the foregoing charter was made on Tuesday, December 29th, 1908, in accordance with a resolution adopted by the Board of Trustees of the City of Richmond, in the "Richmond Record," a daily newspaper of general circulation, printed, published and circulated in said city.

STATE OF CALIFORNIA,
County of Contra Costa,
City of Richmond } ss.

I, J. B. Willis, President of the Board of Trustees of the City of Richmond, State of California, and I, H. H. Turley, Clerk of said Board, do hereby certify that the Board of Freeholders, whose names appear signed to the foregoing proposed charter, were on the 12th day of October, 1908, at a special municipal election held in said City of Richmond on said day duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said Board of Trustees within ninety (90) days after said election, as required by section 8 of article XI of the Constitution of this State; that said

proposed charter was then published in the "Richmond Record," which then was a daily newspaper of general circulation, printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said section 8, to-wit, on the 9th day of February, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the Board of Trustees of said City of Richmond on the 9th day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of said City of Richmond to be affixed this 9th day of February, 1909.

J. B. WILLIS,
(Seal) President of the Board of Trustees of the City of Richmond.

H. H. TURLEY,
Clerk of said Board of Trustees and said City of Richmond.

And, WHEREAS, said proposed charter, so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Assembly of the State of

California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the City of Richmond, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said City of Richmond.

P. A. STANTON,
Speaker of the Assembly.

W. R. PORTER,
President of the Senate.

Attest:

C. F. CURRY,
Secretary of State.

Filed in the office of the Secretary of State the 4th day of March, A. D. 1909, at 10:50 o'clock A. M.

C. F. CURRY,
Secretary of State.

By J. HOESCH, Deputy.

STATE OF CALIFORNIA, }
County of Contra Costa } ss.
City of Richmond. }

I, J. B. Willis, President of the Board of Trustees of the City of Richmond and chief executive officer of said city, do hereby certify that the foregoing charter was submitted to the qualified electors of said city at a special election duly called and held therein for the purpose of ratifying or rejecting same on the 9th day of February, 1909, and that by a majority of votes of qualified electors, voting at said election, said charter was ratified as a whole; that the returns of said election were duly canvassed by the Board of Trustees of the City of Richmond on the 9th day of February, 1909, and the result thereof declared as above set forth; that in all matters and things pertaining to said proposed charter, all provisions of section 8 of article XI of the Constitution of the

State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the City of Richmond to be affixed this 24th day of March, 1909.

(Seal) J. B. WILLIS,
President of the Board of Trustees and chief executive officer of the City of Richmond.

Attest:

H. H. TURLEY,
City Clerk of said City of Richmond.

Recorded at the request of H. H. Turley, March 26th, A. D. 1909, at 30 min. past 9 A. M. in Vol. 5 of Miscellaneous, page 1, Records of Contra Costa County.

M. H. HURLEY,
County Recorder.

Filed April 5, 1909.

H. H. TURLEY,
City Clerk of Richmond, Cal.

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